

**ENTERED**

August 05, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

BRETT CANALES,

Plaintiff.

V.

KROGER TEXAS LP,

Defendant.

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CIVIL ACTION NO. 3:24-cv-00164

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On April 29, 2025, all pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 17. Judge Edison filed a memorandum and recommendation on July 21, 2025, recommending that Defendant's motion for summary judgment (Dkt. 30) be granted. Dkt. 32.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's memorandum and recommendation (Dkt. 32) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendant's motion for summary judgment (Dkt. 30) is granted.

A final judgment will issue separately.

Signed on Galveston Island this 5th day of August, 2025.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE